

STATUTES RELATING TO REQUIRED REPORTS

JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE COMMITTEE

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78B-6-204. Dispute Resolution Programs -- Director -- Duties -- Report.

- (1) Within the Administrative Office of the Courts, there shall be a director of Dispute Resolution Programs, appointed by the state court administrator.
- (2) The director shall be an employee of the Administrative Office of the Courts and shall be responsible for the administration of all court-annexed Dispute Resolution Programs. The director shall have duties, powers, and responsibilities as the Judicial Council may determine. The qualifications for employment of the director shall be based on training and experience in the management, principles, and purposes of alternative dispute resolution procedures.
- (3) In order to implement the purposes of this part, the Administrative Office of the Courts may employ or contract with ADR providers or ADR organizations on a case-by-case basis, on a service basis, or on a program basis. ADR providers and organizations shall be subject to the rules and fees set by the Judicial Council. The Administrative Office of the Courts shall establish programs for training ADR providers and orienting attorneys and their clients to ADR programs and procedures.
- (4) An ADR provider is immune from all liability when conducting proceedings under the rules of the Judicial Council and the provisions of this part, except for wrongful disclosure of confidential information, to the same extent as a judge of the courts in this state.
- (5) The director shall report annually to the Supreme Court, the Judicial Council, the Judiciary Interim Committee, the governor, and the Utah State Bar on the operation of the Dispute Resolution Programs.
 - (a) Copies of the report shall be available to the public at the Administrative Office of the Courts.
 - (b) The report shall include:
 - (i) identification of participating judicial districts and the methods of alternative dispute resolution that are available in those districts;
 - (ii) the number and types of disputes received;
 - (iii) the methods of alternative dispute resolution to which the disputes were referred;
 - (iv) the course of the referral;
 - (v) the status of cases referred to alternative dispute resolution or the disposition of these disputes; and
 - (vi) any problems encountered in the administration of the program and the recommendations of the director as to the continuation or modification of any program.
 - (c) Nothing may be included in a report which would impair the privacy or confidentiality of any specific ADR proceeding.

30-3-11.3. Mandatory educational course for divorcing parents -- Purpose -- Curriculum -- Exceptions.

- (1) There is established a mandatory course for divorcing parents as a pilot program in the third and fourth judicial districts to be administered by the Administrative Office of the Courts from July 1, 1992, to June 30, 1994. On July 1, 1994, an approved course shall be implemented in all judicial districts. The mandatory course is designed to educate and sensitize divorcing parties to their children's needs both during and after the divorce process.
- (2) The Judicial Council shall adopt rules to implement and administer this program.
- (3) As a prerequisite to receiving a divorce decree, both parties are required to attend a mandatory course on their children's needs after filing a complaint for divorce and receiving a docket number, unless waived under Section 30-3-4. If that requirement is waived, the court may permit the divorce action to proceed.

- (4) The court may require unmarried parents to attend this educational course when those parents are involved in a visitation or custody proceeding before the court.
- (5) The mandatory course shall instruct both parties:
 - (a) about divorce and its impacts on:
 - (i) their child or children;
 - (ii) their family relationship; and
 - (iii) their financial responsibilities for their child or children; and
 - (b) that domestic violence has a harmful effect on children and family relationships.
- (6) The Administrative Office of the Courts shall administer the course pursuant to Title 63G, Chapter 6, Utah Procurement Code, through private or public contracts and organize the program in each of Utah's judicial districts. The contracts shall provide for the recoupment of administrative expenses through the costs charged to individual parties, pursuant to Subsection (8).
- (7) A certificate of completion constitutes evidence to the court of course completion by the parties.
- (8)
 - (a) Each party shall pay the costs of the course to the independent contractor providing the course at the time and place of the course. A fee of \$8 shall be collected, as part of the course fee paid by each participant, and deposited in the Children's Legal Defense Account, described in Section 51-9-408.
 - (b) Each party who is unable to pay the costs of the course may attend the course without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed in the district court. In those situations, the independent contractor shall be reimbursed for its costs from the appropriation to the Administrative Office of the Courts for "Mandatory Educational Course for Divorcing Parents Program." Before a decree of divorce may be entered, the court shall make a final review and determination of impecuniosity and may order the payment of the costs if so determined.
- (9) Appropriations from the General Fund to the Administrative Office of the Courts for the "Mandatory Educational Course for Divorcing Parents Program" shall be used to pay the costs of an indigent parent who makes a showing as provided in Subsection (8)(b).
- (10) The Administrative Office of the Courts shall adopt a program to evaluate the effectiveness of the mandatory educational course. Progress reports shall be provided annually to the Judiciary Interim Committee.

30-3-11.4. Mandatory orientation course for divorcing parties -- Purpose -- Curriculum -- Exceptions.

- (1) There is established a mandatory divorce orientation course for all parties with minor children who file a petition for temporary separation or for a divorce. A couple with no minor children are not required, but may choose to attend the course. The purpose of the course shall be to educate parties about the divorce process and reasonable alternatives.
- (2) A petitioner shall attend a divorce orientation course no more than 60 days after filing a petition for divorce.
- (3) The respondent shall attend the divorce orientation course no more than 30 days after being served with a petition for divorce.
- (4) The clerk of the court shall provide notice to a petitioner of the requirement for the course, and information regarding the course shall be included with the petition or motion, when served on the respondent.

- (5) The divorce orientation course shall be neutral, unbiased, at least one hour in duration, and include:
- (a) options available as alternatives to divorce;
 - (b) resources available from courts and administrative agencies for resolving custody and support issues without filing for divorce;
 - (c) resources available to improve or strengthen the marriage;
 - (d) a discussion of the positive and negative consequences of divorce;
 - (e) a discussion of the process of divorce;
 - (f) options available for proceeding with a divorce, including:
 - (i) mediation;
 - (ii) collaborative law; and
 - (iii) litigation; and
 - (g) a discussion of post-divorce resources.
- (6) The course may be provided in conjunction with the mandatory course for divorcing parents required by Section 30-3-11.3.
- (7) The Administrative Office of the Courts shall administer the course pursuant to Title 63G, Chapter 6, Utah Procurement Code, through private or public contracts.
- (8) Each participant shall pay the costs of the course, which may not exceed \$20, to the independent contractor providing the course at the time and place of the course.
- (a) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and deposited in the Children's Legal Defense Account described in Section 51-9-408.
 - (b) A participant who is unable to pay the costs of the course may attend without payment and request an Affidavit of Impecuniosity from the provider to be filed with the petition or motion. The provider shall be reimbursed for its costs by the Administrative Office of the Courts. A petitioner who is later determined not to meet the qualifications for impecuniosity may be ordered to pay the costs of the course.
- (9) Appropriations from the General Fund to the Administrative Office of the Courts for the divorce orientation course shall be used to pay the costs of an indigent petitioner who is determined to be impecunious as provided in Subsection (8)(b).
- (10) The Online Court Assistance Program shall include instructions with the forms for divorce which inform the petitioner of the requirement of this section.
- (11) Both parties shall attend a divorce orientation course before a divorce decree may be entered, unless waived by the court. A certificate of completion constitutes evidence to the court of course completion by the parties.
- (12) It shall be an affirmative defense in all divorce actions that the divorce orientation requirement was not complied with, and the action may not continue until a party has complied.
- (13) The Administrative Office of the Courts shall adopt a program to evaluate the effectiveness of the mandatory educational course. Progress reports shall be provided annually to the Judiciary Interim Committee.

Small Claims Actions

78A-8-109. Report to Judiciary Interim Committee.

The Judicial Council shall present to the Judiciary Interim Committee not later than November 30 of each odd-numbered year a report and recommendation concerning the maximum amount of small claims actions.

30-3-38. Expedited Parent-time Enforcement Program.

- (1) There is established an Expedited Parent-time Enforcement Program in the third judicial district to be administered by the Administrative Office of the Courts.
- (2) As used in this section:
 - (a) "Mediator" means a person who:
 - (i) is qualified to mediate parent-time disputes under criteria established by the Administrative Office of the Courts; and
 - (ii) agrees to follow billing guidelines established by the Administrative Office of the Courts and this section.
 - (b) "Services to facilitate parent-time" or "services" means services designed to assist families in resolving parent-time problems through:
 - (i) counseling;
 - (ii) supervised parent-time;
 - (iii) neutral drop-off and pick-up;
 - (iv) educational classes; and
 - (v) other related activities.
- (3)
 - (a) If a parent files a motion in the third district court alleging that court-ordered parent-time rights are being violated, the clerk of the court, after assigning the case to a judge, shall refer the case to the administrator of this program for assignment to a mediator, unless a parent is incarcerated or otherwise unavailable. Unless the court rules otherwise, a parent residing outside of the state is not unavailable. The director of the program for the courts, the court, or the mediator may excuse either party from the requirement to mediate for good cause.
 - (b) Upon receipt of a case, the mediator shall:
 - (i) meet with the parents to address parent-time issues within 15 days of the motion being filed;
 - (ii) assess the situation;
 - (iii) facilitate an agreement on parent-time between the parents; and
 - (iv) determine whether a referral to a service provider under Subsection (3)(c) is warranted.
 - (c) While a case is in mediation, a mediator may refer the parents to a service provider designated by the Department of Human Services for services to facilitate parent-time if:
 - (i) the services may be of significant benefit to the parents; or
 - (ii) (A) a mediated agreement between the parents is unlikely; and
(B) the services may facilitate an agreement.
 - (d) At any time during mediation, a mediator shall terminate mediation and transfer the case to the administrator of the program for referral to the judge or court commissioner to whom the case was assigned under Subsection (3)(a) if:
 - (i) a written agreement between the parents is reached; or

- (ii) the parents are unable to reach an agreement through mediation and:
 - (A) the parents have received services to facilitate parent-time;
 - (B) both parents object to receiving services to facilitate parent-time; or
 - (C) the parents are unlikely to benefit from receiving services to facilitate parent-time.
- (e) Upon receiving a case from the administrator of the program, a judge or court commissioner may:
 - (i) review the agreement of the parents and, if acceptable, sign it as an order;
 - (ii) order the parents to receive services to facilitate parent-time;
 - (iii) proceed with the case; or
 - (iv) take other appropriate action.
- (4) (a) If a parent makes a particularized allegation of physical or sexual abuse of a child who is the subject of a parent-time order against the other parent or a member of the other parent's household to a mediator or service provider, the mediator or service provider shall immediately report that information to:
 - (i) the judge assigned to the case who may immediately issue orders and take other appropriate action to resolve the allegation and protect the child; and
 - (ii) the Division of Child and Family Services within the Department of Human Services in the manner required by Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements.
- (b) If an allegation under Subsection (4)(a) is made against a parent with parent-time rights or a member of that parent's household, parent-time by that parent shall, pursuant to an order of the court, be supervised until:
 - (i) the allegation has been resolved; or
 - (ii) a court orders otherwise.
- (c) Notwithstanding an allegation under Subsection (4)(a), a mediator may continue to mediate parent-time problems and a service provider may continue to provide services to facilitate parent-time unless otherwise ordered by a court.
- (5) (a) The Department of Human Services may contract with one or more entities in accordance with Title 63G, Chapter 6, Utah Procurement Code, to provide:
 - (i) services to facilitate parent-time;
 - (ii) case management services; and
 - (iii) administrative services.
- (b) An entity who contracts with the Department of Human Services under Subsection (5)(a) shall:
 - (i) be qualified to provide one or more of the services listed in Subsection (5)(a); and
 - (ii) agree to follow billing guidelines established by the Department of Human Services and this section.
- (6) (a) Except as provided in Subsection (6)(b), the cost of mediation shall be:
 - (i) reduced to a sum certain;
 - (ii) divided equally between the parents; and
 - (iii) charged against each parent taking into account the ability of that parent to pay under billing guidelines adopted in accordance with this section.
- (b) A judge may order a parent to pay an amount in excess of that provided for in Subsection (6)(a) if the parent:

- (i) failed to participate in good faith in mediation or services to facilitate parent-time; or
 - (ii) made an unfounded assertion or claim of physical or sexual abuse of a child.
- (c)
 - (i) The cost of mediation and services to facilitate parent-time may be charged to parents at periodic intervals.
 - (ii) Mediation and services to facilitate parent-time may only be terminated on the ground of nonpayment if both parents are delinquent.
- (7)
 - (a) The Judicial Council may make rules to implement and administer the provisions of this program related to mediation.
 - (b) The Department of Human Services may make rules to implement and administer the provisions of this program related to services to facilitate parent-time.
- (8)
 - (a) The Administrative Office of the Courts shall adopt outcome measures to evaluate the effectiveness of the mediation component of this program. Progress reports shall be provided to the Judiciary Interim Committee as requested by the committee.
 - (b) The Department of Human Services shall adopt outcome measures to evaluate the effectiveness of the services component of this program. Progress reports shall be provided to the Judiciary Interim Committee as requested by the committee.
 - (c) The Administrative Office of the Courts and the Department of Human Services may adopt joint outcome measures and file joint reports to satisfy the requirements of Subsections (7)(a) and (b).
- (9) The Department of Human Services shall, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures, apply for federal funds as available.

DUI Report

41-6a-511. Courts to collect and maintain data.

- (1) The state courts shall collect and maintain data necessary to allow sentencing and enhancement decisions to be made in accordance with this part.
- (2)
 - (a) Each justice court shall transmit dispositions electronically to the Department of Public Safety in accordance with the requirement for recertification established by the Judicial Council.
 - (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court shall collect and report the same DUI related data elements collected and maintained by the state courts under Subsection (1).
- (3) The department shall maintain an electronic data base for DUI related records and data including the data elements received or collected from the courts under this section.
- (4)
 - (a) The Commission on Criminal and Juvenile Justice shall prepare an annual report of DUI related data including the following:
 - (i) the data collected by the courts under Subsections (1) and (2); and
 - (ii) any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of:
 - (A) law enforcement;
 - (B) adjudication;
 - (C) sanctions;
 - (D) drivers' license control; and

- (E) alcohol education, assessment, and treatment.
- (b) The report shall be provided to the Judiciary and Transportation Interim Committees no later than the last day of October following the end of the fiscal year for which the report is prepared.

63M-7-305. Drug Offender Reform Act -- Coordination.

- (1) As used in this section:
 - (a) "Council" means the Utah Substance Abuse Advisory Council.
 - (b) "Drug Offender Reform Act" and "act" mean the screening, assessment, substance abuse treatment, and supervision provided to convicted offenders under Subsection 77-18-1.1(2) to:
 - (i) determine offenders' specific substance abuse treatment needs as early as possible in the judicial process;
 - (ii) expand treatment resources for offenders in the community;
 - (iii) integrate treatment of offenders with supervision by the Department of Corrections; and
 - (iv) reduce the incidence of substance abuse and related criminal conduct.
 - (c) "Substance abuse authority" has the same meaning as in Section 17-43-201.
- (2) The council shall provide ongoing oversight of the implementation, functions, and evaluation of the Drug Offender Reform Act.
- (3) The council shall develop an implementation plan for the Drug Offender Reform Act. The plan shall:
 - (a) identify local substance abuse authority areas where the act will be implemented, in cooperation with the Division of Substance Abuse and Mental Health, the Department of Corrections, and the local substance abuse authorities;
 - (b) include guidelines on how funds appropriated under the act should be used;
 - (c) require that treatment plans under the act are appropriate for criminal offenders;
 - (d) include guidelines on the membership of local planning groups;
 - (e) include guidelines on the membership of the Department of Corrections' planning group under Subsection (5); and
 - (f) provide guidelines for the Commission on Criminal and Juvenile Justice to conduct an evaluation of the implementation, impact, and results of the act.
- (4)
 - (a) Each local substance abuse authority designated under Subsection (3) to implement the act shall establish a local planning group and shall submit a plan to the council detailing how the authority proposes to use the act funds. The uses shall be in accordance with the guidelines established by the council under Subsection (3).
 - (b) Upon approval of the plan by the council, the Division of Substance Abuse and Mental Health shall allocate the funds.
 - (c) Local substance abuse authorities shall annually, on or before October 1, submit to the Division of Substance Abuse and Mental Health and to the council reports detailing use of the funds and the impact and results of the use of the funds during the prior fiscal year ending June 30.
- (5)
 - (a) The Department of Corrections shall establish a planning group and shall submit a plan to the council detailing how the department proposes to use the act funds. The uses shall be in accordance with the guidelines established by the council under Subsection (3).
 - (b) The Department of Corrections shall annually, on or before October 1, submit to the council a report detailing use of the funds and the impact and results of the use of the funds during the prior fiscal year ending June 30.

- (6) The council shall monitor the progress and evaluation of the act and shall provide a written report on the implementation, impact, and results of the act to the Law Enforcement and Criminal Justice and the Health and Human Services legislative interim committees annually on or before November 30.

Forfeited Property

24-1-19. Crime Reduction Assistance Program.

- (1) There is created the Crime Reduction Assistance Program.
- (2) The program shall fund crime prevention and law enforcement activities that have the purpose of:
 - (a) deterring crime by depriving criminals of the profits and proceeds of their illegal activities;
 - (b) weakening criminal enterprises by removing the instrumentalities of crime;
 - (c) reducing crimes involving substance abuse by supporting the creation, administration, or operation of drug court programs throughout the state;
 - (d) encouraging cooperation between local, state, and multijurisdictional law enforcement agencies;
 - (e) allowing the costs and expenses of law enforcement to be defrayed by the forfeited proceeds of crime; and
 - (f) increasing the equitability and accountability of the use of forfeited property used to assist law enforcement in reducing and preventing crime.
- (3)
 - (a) When property is forfeited under this chapter and transferred to the fund, the Commission on Criminal and Juvenile Justice shall make awards of monies from the fund to state, local, or multijurisdictional law enforcement agencies or political subdivisions of the state in compliance with this section and to further the program purposes under Subsection (2).
 - (b) In granting the awards, the Commission on Criminal and Juvenile Justice shall ensure that the amount of each award takes into consideration:
 - (i) the demonstrated needs of the agency;
 - (ii) the demonstrated ability of the agency to appropriately use the award;
 - (iii) the degree to which the agency's need is offset through the agency's participation in federal equitable sharing or through other federal and state grant programs; and
 - (iv) the agency's cooperation with other state and local agencies and task forces.
- (4) Agencies or political subdivisions shall apply for program awards by completing and submitting forms specified by the Commission on Criminal and Juvenile Justice.
- (5) Applying agencies or political subdivisions shall demonstrate compliance with all reporting and policy requirements applicable under this chapter and under Title 63M, Chapter 7, Criminal Justice and Substance Abuse, in order to qualify as a potential award recipient.
- (6) Recipient law enforcement agencies may only use program award monies after approval or appropriation by the agency's legislative body, and the award monies are nonlapsing.
- (7) A recipient law enforcement agency or political subdivision shall use program awards only for law enforcement or controlled substance law enforcement purposes as described in Subsection (8), and only as these purposes are specified by the agency or political subdivision in its application for the award.
- (8) Permissible law enforcement purposes for which award monies may be used include:
 - (a) controlled substance interdiction and enforcement activities;
 - (b) drug court programs;

- (c) activities calculated to enhance future investigations;
 - (d) law enforcement training that includes:
 - (i) implementation of the Fourth Amendment of the federal constitution and Utah Constitution Article I, Section 7, and addresses the protection of the individual's rights of due process;
 - (ii) protection of the rights of innocent property holders; and
 - (iii) the Tenth Amendment of the federal constitution regarding states' sovereignty and the states' reserved rights;
 - (e) law enforcement or detention facilities;
 - (f) law enforcement operations or equipment which are not routine costs or operational expenses;
 - (g) drug, gang, or crime prevention education programs which are sponsored in whole or in part by the law enforcement agency or its legislative body; and
 - (h) matching funds for other state or federal law enforcement grants.
- (9) Law enforcement purposes for which award monies may not be granted or used include:
- (a) payment of salaries, retirement benefits, or bonuses to any person;
 - (b) payment of enforcement expenses not related to law enforcement;
 - (c) uses not specified in the agency's award application;
 - (d) uses not approved or appropriated by the agency's legislative body;
 - (e) payments, transfers, or pass-through funding to entities other than law enforcement agencies; or
 - (f) uses, payments, or expenses that are not within the scope of the agency's functions.
- (10) For each fiscal year, any state, local, or multijurisdictional agency or political subdivision that received a program award shall prepare, and file with the Utah Commission on Criminal and Juvenile Justice and the state auditor, a report in a form specified by the Utah Commission on Criminal and Juvenile Justice. The report shall include the following regarding each award:
- (a) the agency's name;
 - (b) the amount of the award;
 - (c) the date of the award;
 - (d) how the award has been used; and
 - (e) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel, that:
 - (i) the agency or political subdivision has complied with all inventory, policy, and reporting requirements of this chapter;
 - (ii) all program awards were used for crime reduction or law enforcement purposes as specified in the application; and
 - (iii) and only upon approval or appropriation by the agency's or political subdivision's legislative body.
- (11) The Utah Commission on Criminal and Juvenile Justice shall report in writing to the legislative Law Enforcement and Criminal Justice Interim Committee annually regarding the forfeited property transferred to the fund, awards made by the program, uses of program awards, and any equitable share of property forfeited by the federal government as reported by agencies pursuant to Subsection 24-1-15(3).

Sex Offender Treatment

64-13-6. Department duties.

- (1) The department shall:
 - (a) protect the public through institutional care and confinement, and supervision in the community of offenders where appropriate;
 - (b) implement court-ordered punishment of offenders;
 - (c) provide program opportunities for offenders;
 - (d) provide treatment for sex offenders who are found to be treatable based upon criteria developed by the department;
 - (e) provide the results of ongoing assessment of sex offenders and objective diagnostic testing to sentencing and release authorities;
 - (f) manage programs that take into account the needs and interests of victims, where reasonable;
 - (g) supervise probationers and parolees as directed by statute and implemented by the courts and the Board of Pardons and Parole;
 - (h) subject to Subsection (2), investigate criminal conduct involving offenders incarcerated in a state correctional facility;
 - (i) cooperate and exchange information with other state, local, and federal law enforcement agencies to achieve greater success in prevention and detection of crime and apprehension of criminals; and
 - (j) implement the provisions of Section 77-28c-102, Interstate Compact for Adult Offender Supervision.
- (2)
 - (a) By following the procedures in Subsection (2)(b), the department may investigate the following occurrences at state correctional facilities:
 - (i) criminal conduct of departmental employees;
 - (ii) felony crimes resulting in serious bodily injury;
 - (iii) death of any person; or
 - (iv) aggravated kidnapping.
 - (b) Prior to investigating any occurrence specified in Subsection (2)(a), the department shall:
 - (i) notify the sheriff or other appropriate law enforcement agency promptly after ascertaining facts sufficient to believe an occurrence specified in Subsection (2)(a) has occurred; and
 - (ii) obtain consent of the sheriff or other appropriate law enforcement agency to conduct an investigation involving an occurrence specified in Subsection (2)(a).
- (3) Upon request, the department shall provide copies of investigative reports of criminal conduct to the sheriff or other appropriate law enforcement agencies.
- (4) The department shall provide data to the Commission on Criminal and Juvenile Justice to show the criteria for determining sex offender treatability, the implementation and effectiveness of sex offender treatment, and the results of ongoing assessment and objective diagnostic testing. The Commission on Criminal and Juvenile Justice will then report these data to the Judiciary Interim Committee and to the appropriate appropriations subcommittee annually.
- (5) The Department of Corrections shall collect accounts receivable ordered by the district court as a result of prosecution for a criminal offense according to the requirements and during the time periods established in Subsection 77-18-1(9).

Use of Surcharges and Fines for Funding Drug Task Forces

51-9-411. Law Enforcement Operations Account -- Share of surcharge -- Uses.

- (1) As used in this section:
 - (a) "Account" means the Law Enforcement Operations Account.
 - (b) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (c) "Law enforcement agency" means a state or local law enforcement agency.
 - (d) "Other appropriate agency" means a state or local government agency, or a nonprofit organization, that works to prevent illegal drug activity and enforce laws regarding illegal drug activity and related criminal activity by:
 - (i) programs, including education, prevention, treatment, and research programs; and
 - (ii) enforcement of laws regarding illegal drugs.
- (2) There is created a restricted account within the General Fund known as the Law Enforcement Operations Account.
- (3)
 - (a) The Division of Finance shall allocate the balance of the collected surcharge under Section 51-9-401 that is not allocated under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation, to the account, to be appropriated by the Legislature.
 - (b) Money in the account shall be appropriated to the commission for implementing law enforcement operations and programs related to reducing illegal drug activity and related criminal activity as listed in Subsection (5).
 - (c) The state treasurer shall invest monies in the account according to Title 51, Chapter 7, State Money Management Act.
 - (d) The Division of Finance shall deposit interest or other earnings derived from investment of account monies into the General Fund.
- (4)
 - (a) The commission shall allocate grants of funds from the account for the purposes under Subsection (5) to state, local, or multijurisdictional law enforcement agencies and other appropriate agencies.
 - (b) The grants shall be made by an application process established by the commission in accordance with Subsection (6).
- (5)
 - (a) The first priority of the commission is to annually allocate not more than \$2,500,000, depending upon funding available from other sources, to directly fund the operational costs of state and local law enforcement agencies' drug or crime task forces, including multijurisdictional task forces.
 - (b) The second priority of the commission is to allocate grants for specified law enforcement agency functions and other agency functions as the commission finds appropriate to more effectively reduce illegal drug activity and related criminal activity, including providing education, prevention, treatment, and research programs.
- (6)
 - (a) In allocating grants and determining the amount of the grants, the commission shall consider:
 - (i) the demonstrated ability of the agency to appropriately use the grant to implement the proposed functions and how this function or task force will add to the law enforcement agency's current efforts to reduce illegal drug activity and related criminal activity; and
 - (ii) the agency's cooperation with other state and local agencies and task forces.

- (b) Agencies qualify for a grant only if they demonstrate compliance with all reporting and policy requirements applicable under this section and under Title 63M, Chapter 7, Criminal Justice and Substance Abuse, in order to qualify as a potential grant recipient.
- (7) Recipient agencies may only use grant monies after approval or appropriation by the agency's governing body, and a determination that the grant monies are nonlapsing.
- (8) A recipient law enforcement agency may use funds granted under this section only for the purposes stated by the commission in the grant.
- (9) For each fiscal year, any law enforcement agency that receives a grant from the commission under this section shall prepare, and file with the commission and the state auditor, a report in a form specified by the commission. The report shall include the following regarding each grant:
 - (a) the agency's name;
 - (b) the amount of the grant;
 - (c) the date of the grant;
 - (d) how the grant has been used; and
 - (e) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel, that all grant funds were used for law enforcement operations and programs approved by the commission and that relate to reducing illegal drug activity and related criminal activity, as specified in the grant.
- (10) The commission shall report in writing to the legislative Law Enforcement and Criminal Justice Interim Committee annually regarding the grants allocated under this section, including the amounts and uses of the grants.

Housing State Inmates in County Jails

64-13e-106. Report to Legislature.

On or before September 1 of each year, the department shall provide to the Law Enforcement and Criminal Justice Interim Committee of the Legislature a report regarding housing of state inmates, state parole inmates, and state probationary inmates under this chapter, including:

- (1) the final state daily incarceration rate established under this chapter;
- (2) the rates described in Subsections 64-13e-103(3) and 64-13e-104(2);
- (3) participating counties;
- (4) the number of state inmates housed by each county;
- (5) the number of state parole inmates housed by each county; and
- (6) the number of state probationary inmates housed by each county.

53A-1-403.5. Education of persons in custody of the Utah Department of Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration among state agencies -- Annual report.

- (1) The State Board of Education, the State Board of Regents, and the Utah Department of Corrections, subject to legislative appropriation, are responsible for the education of persons in the custody of the Utah Department of Corrections.
- (2) (a) To fulfill the responsibility under Subsection (1), the State Board of Education and the Utah Department of Corrections shall, where feasible, contract with appropriate private or public

agencies to provide educational and related administrative services. Contracts for postsecondary education and training shall be under Subsection (2)(b).

- (b)
 - (i) The contract under Subsection (2)(a) to provide postsecondary education and training shall be with a community college if the correctional facility is located within the service region of a community college, except under Subsection (2)(b)(ii).
 - (ii) If the community college under Subsection (2)(b)(i) declines to provide the education and training or cannot meet reasonable contractual terms for providing the education and training as specified by the Utah Department of Corrections, postsecondary education and training under Subsection (2)(a) may be procured through other appropriate private or public agencies.
- (3) (a) As its corrections education program, the State Board of Education, the State Board of Regents, and the Utah Department of Corrections shall develop and implement a recidivism reduction plan, including the following components:
 - (i) inmate assessment;
 - (ii) cognitive problem-solving skills;
 - (iii) basic literacy skills;
 - (iv) career skills;
 - (v) job placement;
 - (vi) postrelease tracking and support;
 - (vii) research and evaluation;
 - (viii) family involvement and support; and
 - (ix) multiagency collaboration.
- (b) The plan shall be developed and implemented through the State Office of Education, the State Board of Regents, and the Utah Department of Corrections in collaboration with the following entities:
 - (i) the Utah College of Applied Technology Board of Trustees;
 - (ii) local boards of education;
 - (iii) Department of Workforce Services;
 - (iv) Department of Human Services;
 - (v) Board of Pardons and Parole;
 - (vi) State Office of Rehabilitation; and
 - (vii) the Governor's Office.
- (4) The department shall make a report to the Education and Law Enforcement and Criminal Justice Interim Committees on the recidivism reduction plan before October 1, 2010.

26-8a-103. State Emergency Medical Services Committee -- Membership -- Report -- Expenses.

- (1) The State Emergency Medical Services Committee created by Section 26-1-7 shall be composed of the following 16 members appointed by the governor, at least five of whom must reside in a county of the third, fourth, fifth, or sixth class:
 - (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act, as follows:
 - (i) one surgeon who actively provides trauma care at a hospital;
 - (ii) one rural physician involved in emergency medical care;

- (iii) two physicians who practice in the emergency department of a general acute hospital; and
 - (iv) one pediatrician who practices in the emergency department or critical care unit of a general acute hospital or a children's specialty hospital;
 - (b) one representative from a private ambulance provider;
 - (c) one representative from an ambulance provider that is neither privately owned nor operated by a fire department;
 - (d) two chief officers from fire agencies operated by the following classes of licensed or designated emergency medical services providers: municipality, county, and fire district, provided that no class of medical services providers may have more than one representative under this Subsection (1)(d);
 - (e) one director of a law enforcement agency that provides emergency medical services;
 - (f) one hospital administrator;
 - (g) one emergency care nurse;
 - (h) one paramedic in active field practice;
 - (i) one emergency medical technician in active field practice;
 - (j) one certified emergency medical dispatcher affiliated with an emergency medical dispatch center; and
 - (k) one consumer.
- (2) (a) Except as provided in Subsection (2)(b), members shall be appointed to a four-year term beginning July 1.
- (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
- (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the governor for the unexpired term.
- (3) (a) Each January, the committee shall organize and select one of its members as chair and one member as vice chair. The committee may organize standing or ad hoc subcommittees, which shall operate in accordance with guidelines established by the committee.
- (b) The chair shall convene a minimum of four meetings per year. The chair may call special meetings. The chair shall call a meeting upon request of five or more members of the committee.
- (c) Nine members of the committee constitute a quorum for the transaction of business and the action of a majority of the members present is the action of the committee.
- (4) The committee shall submit a report in a form acceptable to the committee each November at the Law Enforcement and Criminal Justice Interim Committee meeting concerning its:
- (a) funding priorities and recommended sources;
 - (b) closest responder recommendations;
 - (c) centralized dispatch;
 - (d) duplication of services and any taxing consequences;
 - (e) appropriate providers for emergency medical services; and
 - (f) recommendations and suggested legislation.
- (5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (6) Administrative services for the committee shall be provided by the department.

67-5-22.7. Multi-agency strike force to combat violent and other major felony crimes associated with illegal immigration and human trafficking -- Fraudulent Documents Identification Unit.

- (1) The Office of the Attorney General is authorized to administer and coordinate the operation of a multi-agency strike force to combat violent and other major felony crimes committed within the state that are associated with illegal immigration and human trafficking.
- (2) The office shall invite officers of the U.S. Immigration and Customs Enforcement and state and local law enforcement personnel to participate in this mutually supportive, multi-agency strike force to more effectively utilize their combined skills, expertise, and resources.
- (3) The strike force shall focus its efforts on detecting, investigating, deterring, and eradicating violent and other major felony criminal activity related to illegal immigration and human trafficking.
- (4) In conjunction with the strike force and subject to available funding, the Office of the Attorney General shall establish a Fraudulent Documents Identification Unit:
 - (a) for the primary purpose of investigating, apprehending, and prosecuting individuals or entities that participate in the sale or distribution of fraudulent documents used for identification purposes; and
 - (b) to specialize in fraudulent identification documents created and prepared for individuals who are unlawfully residing within the state.
- (5) The strike force shall make an annual report on its activities to the governor and the Legislature's Law Enforcement and Criminal Justice Interim Committee by December 1, together with any proposed recommendations for modifications to this section.

Concealed Weapons Fees

53-5-707. Permit -- Fees -- Disposition.

- (1)
 - (a) Each applicant for a permit shall pay a fee of \$35 at the time of filing an application.
 - (b) The initial fee shall be waived for an applicant who is a law enforcement officer under Section 53-13-103.
- (2) The renewal fee for the permit is \$10.
- (3) The replacement fee for the permit is \$10.
- (4) The late fee for the renewal permit is \$7.50.
- (5) The bureau shall use the fees collected under Subsections (1), (2), (3), and (4) as a dedicated credit to cover the costs of issuing concealed firearm permits under this part.
- (6)
 - (a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.
 - (b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the appropriate agency.
- (7) The bureau shall make an annual report to the Legislature's Law Enforcement and Criminal Justice Interim Committee on the amount and use of the fees collected under this section.

62A-4a-207. Legislative Oversight Panel -- Responsibilities.

- (1) (a) There is created the **Child Welfare Legislative Oversight Panel** composed of the following members:
 - (i) two members of the Senate, one from the majority party and one from the minority party, appointed by the president of the Senate; and
 - (ii) three members of the House of Representatives, two from the majority party and one from the minority party, appointed by the speaker of the House of Representatives.
- (b) Members of the panel shall serve for two-year terms, or until their successors are appointed.
- (c) A vacancy exists whenever a member ceases to be a member of the Legislature, or when a member resigns from the panel. Vacancies shall be filled by the appointing authority, and the replacement shall fill the unexpired term.
- (2) The president of the Senate shall designate one of the senators appointed to the panel under Subsection (1) as the Senate chair of the panel. The speaker of the House of Representatives shall designate one of the representatives appointed to the panel under Subsection (1) as the House chair of the panel.
- (3) The panel shall follow the interim committee rules established by the Legislature.
- (4) The panel shall:
 - (a) examine and observe the process and execution of laws governing the child welfare system by the executive branch and the judicial branch;
 - (b) upon request, receive testimony from the public, the juvenile court, and from all state agencies involved with the child welfare system, including the division, other offices and agencies within the department, the attorney general's office, the Office of Guardian Ad Litem, and school districts;
 - (c) before October 1 of each year, receive reports from the division, the attorney general, and the judicial branch identifying the cases not in compliance with the time limits established in Section 78A-6-309, regarding pretrial and adjudication hearings, Section 78A-6-312, regarding dispositional hearings and reunification services, and Section 78A-6-314, regarding permanency hearings and petitions for termination, and the reasons for the noncompliance;
 - (d) receive recommendations from, and make recommendations to the governor, the Legislature, the attorney general, the division, the Office of Guardian Ad Litem, the juvenile court, and the public;
 - (e)
 - (i) receive reports from the executive branch and the judicial branch on budgetary issues impacting the child welfare system; and
 - (ii) recommend, as the panel considers advisable, budgetary proposals to the Health and Human Services Appropriations Subcommittee and the Executive Offices and Criminal Justice Appropriations Subcommittee, which recommendation should be made before December 1 of each year;
 - (f) study and recommend proposed changes to laws governing the child welfare system;
 - (g) study actions the state can take to preserve, unify, and strengthen the child's family ties whenever possible in the child's best interest, including recognizing the constitutional rights and claims of parents whenever those family ties are severed or infringed;
 - (h) perform such other duties related to the oversight of the child welfare system as the panel considers appropriate; and

- (i) annually report the panel's findings and recommendations to the president of the Senate, the speaker of the House of Representatives, the Health and Human Services Interim Committee, and the Judiciary Interim Committee.
- (5)
 - (a) The panel has authority to review and discuss individual cases.
 - (b) When an individual case is discussed, the panel's meeting may be closed pursuant to Title 52, Chapter 4, Open and Public Meetings Act.
 - (c) When discussing an individual case, the panel shall make reasonable efforts to identify and consider the concerns of all parties to the case.
- (6)
 - (a) The panel has authority to make recommendations to the Legislature, the governor, the Board of Juvenile Court Judges, the division, and any other statutorily created entity related to the policies and procedures of the child welfare system. The panel does not have authority to make recommendations to the court, the division, or any other public or private entity regarding the disposition of any individual case.
 - (b) The panel may hold public hearings, as it considers advisable, in various locations within the state in order to afford all interested persons an opportunity to appear and present their views regarding the child welfare system in this state.
- (7)
 - (a) All records of the panel regarding individual cases shall be classified private, and may be disclosed only in accordance with federal law and the provisions of Title 63G, Chapter 2, Government Records Access and Management Act.
 - (b) The panel shall have access to all of the division's records, including those regarding individual cases. In accordance with Title 63G, Chapter 2, Government Records Access and Management Act, all documents and information received by the panel shall maintain the same classification that was designated by the division.
- (8) In order to accomplish its oversight functions, the panel has:
 - (a) all powers granted to legislative interim committees in Section 36-12-11; and
 - (b) legislative subpoena powers under Title 36, Chapter 14, Legislative Subpoena Powers.
- (9) Members of the panel shall receive salary and expenses in accordance with Section 36-2-2.
- (10)
 - (a) The Office of Legislative Research and General Counsel shall provide staff support to the panel.
 - (b) The panel is authorized to employ additional professional assistance and other staff members as it considers necessary and appropriate.

Judicial Rules Review Committee

36-20-6. Findings -- Report -- Distribution of copies.

- (1) The committee may take action that includes:
 - (a) an informal recommendation about a court rule or proposal for court rule; or
 - (b) written findings of its review of each court rule or proposal for court rule and recommendations, if any, for legislative action or any Supreme Court or Judicial Council rulemaking action where significant issues have been identified.
- (2) If any findings are made under Subsection (1), the committee shall provide to the Supreme Court or the Judicial Council:
 - (a) a copy of its findings; and
 - (b) a request that the court or Judicial Council notify the committee of its response.

- (3) The committee may prepare a report that includes:
- (a) the findings and recommendations made by the committee based on the criteria in Section 36-20-4;
 - (b) any action taken by the Supreme Court or Judicial Council in response to committee recommendations; and
 - (c) any recommendations by the committee for legislation or Supreme Court or Judicial Council rulemaking action.
- (4) If a report is prepared, the committee shall provide a copy of the report to the presiding officers of both the House and the Senate, the Senate and House chairs of the Judiciary Interim Committee, Judiciary Standing Committees, the governor, the Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee, the Judicial Council, and the Supreme Court.